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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,738	04/07/2000	Richard Wissler Stallkamp	004509.P005	2336

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EXAMINER

HOM, SHICK C

ART UNIT PAPER NUMBER

2666

DATE MAILED: 01/09/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,738

Applicant(s)

STALLKAMP, RICHARD WISSELE

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-15,18-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 2-3, 9-10, 16-17, 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/29/03 have been fully considered but they are not persuasive. In page 7 line 26 to page 8 line 9, applicant argued that Hulyalkar does not teach the measure of the transport time domain being asynchronous to the reference time domain is not persuasive because col. 2 line 51 to col. 3 line 2 which recite the cycle master sending an asynchronous packet, called the "cycle_start packet", to each of the nodes whereby the cycle_start packet contains the current bus_time, which is written into the cycle time register of each node clearly anticipate the second signal defining the transport time domain being asynchronous to the reference time domain, i.e. the common cycle clock, distributed to the nodes recited in col. 2 lines 25-50. Further, col. 4 line 40 to col. 5 line 29 which recite generating timestamp with reference the cycle_start packet so that the common cycle clock distributed to the nodes connected to the local IEEE 1394 serial bus is synchronize the cycle counters within all nodes connected to the local IEEE 1394 serial bus clearly anticipate generating an isochronous network packet including a timestamp as in claims 1, 8, 15, and 21.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371^o of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 4-8, 11-15, 18-21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hulyalkar (6,032,261).

Regarding claims 1, 8, 15 and 21:

Art Unit: 2666

Hulyalkar disclose method and processor comprising; receiving a first signal defining a reference time domain (see col. 2 lines 25-50 where the distributed common cycle clock corresponds to the first signal); receiving a second signal defining a transport time domain asynchronous to the reference time domain (col. 2 line 51 to col. 3 line 2 where the transmission time of the data at the node represents the second signal); and generating an isochronous network packet including a timestamp indicating a point in time measured with respect to the reference time domain and represented as a measure of the transport time domain (col. 4 line 40 to col. 5 line 39 where the cycle clock signal used to timestamp the packet corresponds the reference time domain in the timestamp and the delay due to the bus_time value corresponds to the transport time domain).

Regarding claims 4, 11, 18, 23:

Hulyalkar disclose receiving the second signal comprises receiving at least one isochronous network packet including a timestamp indicating an isochronous network cycle-time (col. 2 lines 25-50 and col. 4 lines 40-51).

Regarding claims 5, 12:

Hulyalkar disclose the isochronous network cycle time is determined by an IEEE 1394 cycle master device (col. 2 line 25 to col. 3 line 29).

Regarding claims 6, 7, 13, 14, 19, 20:

Hulyalkar disclose generating the isochronous network packet includes associating the timestamp with at least one frame of generated and received video data to be transmitted across an isochronous network (col. 3 lines 32-53 which recite the use of frame synchronization protocol clearly anticipate associating timestamp with frames and col. 4 line 66 to col. 5 line 30 which recite the MPEG video data clearly anticipate the frame to be video data that are transmitted across the network).

Allowable Subject Matter

4. Claims 2-3, 9-10, 16-17, and 22-25 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications;
please mark "EXPEDITED PROCEDURE")

Or:

Art Unit: 2666

(for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's
regular work schedule is Monday to Friday from 8:00 am to 5:30
pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Seema Rao, can be
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

SH SH

December 23, 2003


D. M. S.
PATENT EXAMINER